

Appeal No. VA97/6/026

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

Lee & Co.

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Retail warehouse at Map Reference 10/13b.14.15.16a.18c. (including 1-12 Rainsford Street), Ward: Ushers C, Townland 10-16 Thomas Street, County Borough of Dublin

Quantum

B E F O R E

Liam McKechnie - Senior Counsel

Chairman

George McDonnell - F.C.A.

Member

Michael Coghlan - Solicitor

Member

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 27TH DAY OF NOVEMBER, 1998

By Notice of Appeal dated the 14th October 1997 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £670 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that;

- "1. The valuation is excessive and inequitable
2. The valuation is bad in law".

Valuation History

The subject premises was revised in November 1995 when the R.V. was assessed at £670. At first appeal submissions were made to the Commissioner following which, in September 1997, the valuation was increased from £550 to £670.

The written submission prepared by Ms. Sheelagh O'Buachalla, B.A., an associate of the Society of Chartered Surveyors and a director of Donal O'Buachalla & Co. Ltd. was received by the Tribunal on 9 April 1998, and proposed an R.V. of £500 on the subject premises.

A written submission prepared by Mr. Dan Griffin, B. Comm., District Valuer with eighteen years experience in the Valuation Office, was received by the Tribunal on 9 April 1998.

The Appellant's written submission contained a schedule of three comparisons and the written submission obtained from the Valuation Office also contained a schedule of three comparisons.

The Property

The property comprises a range of buildings, rear yard and car-parking, which is being utilised as a Cash & Carry for the grocery trade. It is situated off Thomas Street, opposite the I.A.W.S. buildings and near the Guinness complex. The site is bounded by Rainsford Street on the southern side. Access from Thomas Street is under an archway at numbers 10/13 Thomas Street, a separate hereditament. More recently, a new access was opened from Rainsford Street. The agreed areas are as follows :

<u>Description</u>	<u>Sq. Ft.</u>
Stockroom (13 ft. eaves ht.)	5,329
Cash & Carry (20 ft. eaves ht.)	5,810
Extension to Cash & Carry (20 ft. eaves height)	12,024
Extension to Cash & Carry (13 ft. eaves height)	3,228
First Floor Stockroom (12 ft. eaves height)	5,810
Old Storage Building (2/3 Storey)	<u>5,964</u>
	<u>38,165</u>

In addition, there were originally ten car-parking spaces towards the front of the property while a further 21 spaces were later added at the rear, making a total of 31 car-parking spaces.

Hearing and Evidence

The Appeal proceeded by way of an oral hearing which took place at the Tribunal Offices in Dublin on 27th day of April 1998. The Appellant was represented by Ms. Sheelagh O’Buachalla, and the Respondent was represented by Mr. Dan Griffin, District Valuer. In accordance with the rules of the Tribunal and following established practice the parties had, prior to the hearing, exchanged their written submissions. At the oral hearing both valuers, having taken the oath, adopted their written submissions respectively as their evidence-in-chief.

Ms. O’Buachalla gave details of her estimate of N.A.V./R.V., as follows :

<u>Description</u>	<u>Area (Sq.Ft.)</u>	<u>Rate p.s.ft.</u>	<u>Total</u>
		£	£
Stockroom	5,329	2.50	13,322
Cash & Carry	5,810	2.50	14,525
Extension to Cash & Carry	15,252	2.50	38,130
First Floor Stockroom	5,810	1.75	10,167
Old Storage Building	5,964	0.30	1,789
10 Car spaces (at front)	-	300/Space	3,000
21 Car spaces (at rear)	<u>-</u>	100/Space	<u>2,100</u>
	<u>38,165</u>		83,033
Less : quantum allowance			<u>(2,625)</u>
N.A.V.			<u>£80,408</u>
At 0.63 %			<u>£ 507</u>
Say			<u>£ 500</u>

Ms. O’Buachalla submitted that customer access continues to be from Thomas Street through the archway while the second access at the rear, fronting onto Rainsford Street, is for deliveries only and remains locked except for the ingress and egress of delivery vehicles. While the resurfacing of the yard provided an additional 21 car spaces, she explained they were not used by customers as they are situated at the rear of the site, approximately 58 metres (190 ft.) away from the entrance to the Cash & Carry. She submitted there was always an entrance from Rainsford Street but it was later widened to provide better access. Witness said there had been no material change to any of the buildings valued in 1991 and the extension to the Cash & Carry should be valued at the same rate as the previous Cash & Carry, with some allowance for quantum. In addition, she contended that the Commissioner of Valuation was

impugning the valuation agreed in 1991, as there had been no change to the premises to warrant an alteration to that valuation.

As comparative evidence, Ms. O’Buachalla submitted valuations in respect of Musgraves Ltd., Robinhood Industrial Estate, Connolly Food Services Ltd. Phibsborough and Noel McCabe Distributors Ltd., Bluebell Industrial Estate.

Mr. Griffin, on behalf of the Commissioner of Valuation, submitted details of N.A.V./R.V., as follows :

<u>Description</u>	<u>Area (Sq.Ft.)</u>	<u>Rate p.s.ft.</u>	<u>Total</u>
		£	£
Stockroom (13 ft. eaves ht.)	5,329	2.50	13,323
Cash & Carry (20 ft. eaves ht.)	5,810	3.50	20,335
Extension to Cash & Carry (20 ft. eaves ht.)	12,024	3.50	42,084
Extension to Cash & Carry (13 ft. eaves ht.)	3,228	3.00	9,684
First Floor Stockroom (12 ft. eaves ht.)	5,810	1.75	10,168
Old Storage Building (2/3 Storey)	5,964	0.30	1,789
31 Car spaces	-	£300/Space	<u>9,300</u>
	<u>38,165</u>	N.A.V.	<u>£106,683</u>
		At 0.63%	<u>£672</u>
		R.V. (say)	<u>£670</u>

He outlined that prior to recent improvements, when the new access was opened onto Rainsford Street, customers entered via the archway. This access was restrictive as it

was too low and narrow to allow larger vehicles to enter. The new access through the delivery yard is a substantial improvement to the complex. Previously, delivery from larger vehicles was by way of trucks parking/double parking on Thomas St. and goods being removed by forklift and entering via the arch. The situation has now been improved substantially with the new access, allowing trucks to enter and make deliveries/collections safely. Accordingly, he contended that the rental potential has increased as a consequence.

Mr. Griffin submitted that the building is well constructed, substantially burglar-proof with concrete roof and walls. There is a good internal finish with an elevator system for servicing the first floor stockroom. The extension and new yard cost approx. £600,000. This extension included a new tarmac-surfaced delivery yard at the rear with 21 car-parking spaces giving access from Rainsford Street. This yard and car-parking area measures approximately 9,000 sq. ft.

At first appeal the R.V. was increased from £550 to £670. Mr. Griffin explained the reason for the increase was that adequate regard had not been taken of the improved access, the new rear yard or the benefits of off-street loading at the revision stage.

As comparative evidence, Mr. Griffin submitted valuations in respect of three Cash & Carry Warehouses - Elliot & Son, Lower Camden St., Egans, North Circular Rd. and Musgraves, Balcurris.

Findings and Determination

The Tribunal has considered the submissions and the evidence submitted and matters raised at the oral hearing by both the Appellant and the Respondent. Both parties have

relied substantially on comparative evidence as the basis for their valuations and the Tribunal has had regard to same.

While the Tribunal accepts that the property is in a location where there are substantial traffic restrictions via Thomas Street, we consider the recent extension to the rear yard and the provision of additional car-parking spaces with access from Rainsford Street to have substantially improved the overall matter of access. We note the additional expenditure for the extension to the buildings and related areas cost in the region of £600,000. With regard to the comparative evidence provided by the Appellant, the valuations were not directly comparable. In the case of Connolly Food Services, the area consisted of less than one third of the subject property while in the case of Noel McCabe Distributors, the warehouse area was only around one third the size of the subject. In addition, both were located in areas outside the city centre, as was the other comparison (Musgraves Ltd.).

With regard to the comparative evidence provided by the Valuation Office, the Tribunal finds the comparisons more appropriate. All three related to the same kind of business (Cash & Carry Warehouses). In particular, the comparison with Egans at North Circular Rd. was found to be particularly relevant given the overall size of the facility and the fact that it also had just over 40 car-parking spaces. However some allowance should be granted in respect of the subject property with regard to access and car-parking. While the addition of the rear entrance off Rainsford St. has clearly improved the overall area of deliveries and collections, nevertheless a significant number of customers continue to obtain access via the archway off Thomas St. with the attendant restrictions, as already outlined.

In the circumstances and having considered the evidence provided, the Tribunal determines the R.V. of the subject property to be £600, calculated as follows :

<u>Description</u>	<u>Area (sq.ft.)</u>	<u>Rate p.sq. ft.</u>	<u>Total</u>
		£	£
Stockroom (13 ft. eaves ht.)	5,329	2.50	13,323
Cash & Carry (20 ft. eaves ht.)	5,810	3.00	17,430
Extension to Cash & Carry (20 ft. eaves ht.)	12,024	3.00	36,072
Extension to Cash & Carry (13 ft. eaves ht.)	3,228	3.00	9,684
First Floor Stockroom (12 ft. eaves ht.)	5,810	1.75	10,168
Old Storage Building (2/3 Storey)	5,964	0.30	1,789
10 Car spaces (front)	-	£300/Space	3,000
21 Car spaces (rear)	<u>-</u>	£200/Space	<u>4,200</u>
	<u>38,165</u>	N.A.V. =	<u>£95,666</u>
		@ 0.63%	<u>£603</u>
		Total R.V. (Say)	<u>£600</u>